APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,564	09/08/2005	Kenji Sakuda	Q85626	2334

72875   7590   09/17/2009
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EXAMINER
HON, MING Y

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
09/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
kghyndman@sughrue.com
USPatDocketing@sughrue.com

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/521,564	SAKUDA ET AL.
	Examiner	Art Unit
	MING HON	2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _1-13_.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Mark K Zimmerman/ Supervisory Patent Examiner, Art Unit 2625	/M. H./ Examiner, Art Unit 2625

Continuation of 3. NOTE: New issues are raised by the amendments to Claim 2 changes the scope of the claims and require further consideration. Claim 2 was amended to include the concepts of cancelled Claims 5 and 8. Claim 2 contains the step of the print job status information and the print job data stored by the host apparatus or apparatuses are sent from the host apparatus or apparatuses to the printer or printers in the resuming step. However in the original claim 8, the limitation was in the determining recovering step. By changing the occurrence of an operation in a different step changes the scope.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant alleged that Suzuki fail to teach or suggest creating the status data of each of the objects in connection with printing the objects.

The examiner will clarify the rejection previously made. The objects in Suzuki that the examiner is referring to the bands of data that the print data is divided into. Suzuki sends the bands of data from the host computer to the printer until the buffer is full. If the buffer is full then a status request is requested by the host computer to the printer. This process is shown in Suzuki, Figure 8. An error will prevent the next band of data to be printed thus causing the buffer to fill up. Suzuki did not specify the size of the buffer and how many bands are divided from the page. Suppose that the buffer can hold one band. This will cause the buffer to be full and inquire with the printer on the status, if there is no error therefore the band can be successfully printed and will the status information will be indicated of the object is indicated to the host apparatus by a empty buffer that will allow the next band to be transmitted. This is considered status information as the printed bands are now printed and this status applied to all bands of data already printed.

If there is an error, the bands of data are no longer printed thus halted and are unprinted. This information is stored until the printing of the job has completed as seen in the resolution of error in Suzuki, Column 13 and 14, require after resolution of error, sending the unprinted bands of data. Therefore the status information of each object is known and by sending the status data to the host apparatus is subsequently stored.

Applicant alleged that Suzuki does not teach or suggest selecting the unprinted objects from a plurality of objects, when the printing is to be resumed based on the status information related to the objects. The examiner respectfully disagrees. In the case of Suzuki, the objects are ordered and if the printer recovers from the error to resume printing, the object/band of data selected will be the band of data stored in the full buffer. All bands not printed due to an error are selected to be printed when the printer error is resolved.

Applicant respectfully submit that the Suzuki's printer is a dumb printer that does not provide a feature which allows for the unprinted object to be stored in the host apparatus and printed when the error is recovered, as claimed. Examiner respectfully disagrees, the error occurring at the printer and due to limited buffer size of the buffer at the printer. There will be unprinted objects/bands of data at the host apparatus that will be transmitted once the printer has recovered from the error.